

STATE OF NEW YORK

3837

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing a grading system for retail food stores, food service establishments and food warehouses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 501 to read as follows:

3 § 501. Retail food store, food service establishment and food ware-
4 house grading system. 1. The commissioner shall establish a system for
5 grading inspection results for retail food stores, food service estab-
6 lishments and food warehouses, as defined in section five hundred of
7 this article. Such system shall use and post letters A, B or C to iden-
8 tify and represent such grading and classification with all other lower
9 grades being deemed to be failing grades. In establishing such system of
10 grading, the commissioner shall take into account the provisions of
11 title eight of article thirteen of the public health law and the
12 provisions of the sanitary code to establish a grading system that
13 reflects the safety and sanitation of the premises and food handling
14 practices to ensure compliance with state and local laws.

15 2. Such retail food stores, food service establishments and food ware-
16 houses shall conspicuously post near the entrance to such establishment
17 the letter grade identifying and representing the result of such estab-
18 lishment's most recently graded inspection by the department. Such post-
19 ing shall be done in accordance with rules and regulations promulgated
20 by the commissioner. In addition to a letter grade, such establishment
21 shall receive the findings upon which such grade is based. The retail
22 food store, food service establishment or food warehouse may appeal such
23 subsequent assignment of a letter grade designation to the commissioner
24 for review within thirty days of such assignment. While any such appeal

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 is pending, the retail food store, food service establishment or food
2 warehouse shall post the letter grade that is being appealed.

3 3. The suggested interval between regularly scheduled inspections of
4 retail food stores, food service establishments and food warehouses may
5 be as follows:

6 (a) for establishments with a grade of "A", at least once every year;
7 and

8 (b) for establishments with a grade of "B", at least once every nine
9 months.

10 4. A retail food store, food service establishment or food warehouse
11 that requests a reinspection from the department, shall pay the depart-
12 ment a fee of up to two hundred fifty dollars. Provided however that the
13 provisions of this subdivision shall not negate the ability of any
14 department to inspect a retail food store, food service establishment or
15 food warehouse on the basis of a complaint from a member of the public.

16 § 2. This act shall take effect two years after it shall have become a
17 law. Effective immediately, the addition, amendment and/or repeal of
18 any rule or regulation necessary for the implementation of this act on
19 its effective date are authorized to be made and completed on or before
20 such effective date.